

Article - Natural Resources

§10–410.

(a) (1) (i) The Department may allow a person to hunt on each Sunday of the game bird and game mammal seasons in:

1. Allegany County;
2. Subject to subparagraph (iii) of this paragraph, Calvert County, from 30 minutes before sunrise until 10:30 a.m.;
3. Subject to subparagraph (iii) of this paragraph, Caroline County, from 30 minutes before sunrise until 10:30 a.m.;
4. Cecil County;
5. Subject to subparagraph (iii) of this paragraph, Charles County, from 30 minutes before sunrise until 10:30 a.m.;
6. Subject to subparagraph (iv) of this paragraph, Dorchester County, from 30 minutes before sunrise until 10:30 a.m.;
7. Garrett County;
8. Subject to subparagraph (iii) of this paragraph, Queen Anne's County, from 30 minutes before sunrise until 10:30 a.m.;
9. St. Mary's County;
10. Subject to subparagraph (ii) of this paragraph, Somerset County, from 30 minutes before sunrise until 10:30 a.m.; and
11. Washington County.

(ii) The time restrictions under subparagraph (i)10 of this paragraph do not apply:

1. On each Sunday of the deer firearms season; and
2. On the last three Sundays in October and the first two Sundays in November of the deer bow hunting season.

(iii) The time restrictions under subparagraph (i)2, 3, 5, and 8 of this paragraph do not apply:

1. On each Sunday during the deer firearms season;
2. On the last three Sundays in October and the first two Sundays in November during the deer bow hunting season; and
3. On each Sunday of the spring turkey hunting season.

(iv) The time restrictions under subparagraph (i)6 of this paragraph do not apply:

1. On each Sunday of the deer hunting seasons from the first Sunday in October through the second Sunday in January, inclusive; and
2. On each Sunday of the spring turkey hunting season.

(2) The Department may allow a person to hunt deer on each Sunday of the deer hunting seasons from the first Sunday in October through the second Sunday in January, inclusive, in:

- (i) Carroll County; and
- (ii) Frederick County.

(3) (i) Subject to subparagraph (ii) of this paragraph, the Department may allow a person to hunt deer on each Sunday of the deer hunting seasons from 30 minutes before sunrise until 10:30 a.m. in:

1. Kent County;
2. Montgomery County; and
3. Talbot County.

(ii) The time restrictions under this paragraph do not apply:

1. To a participant in a junior deer hunt authorized under this subtitle;

2. On one Sunday designated by the Department during the deer firearms season;

3. In Kent County, on each Sunday during the deer bow hunting season and the deer muzzle loader season;

4. In Montgomery County, on one Sunday designated by the Department during the deer bow hunting season; and

5. In Talbot County, on the last three Sundays in October and the first two Sundays in November during the bow hunting season.

(4) The Department may allow a person to hunt deer during the deer firearms season:

(i) On each Sunday in:

1. Harford County; and

2. Worcester County;

(ii) On the first Sunday in Anne Arundel County; and

(iii) In Wicomico County, on:

1. The first Sunday; and

2. The second Sunday from 30 minutes before sunrise

until 10:30 a.m.

(5) The Department may allow a person to hunt deer during the deer bow hunting season on:

(i) The last three Sundays in October and the first two Sundays in November in:

1. Harford County;

2. Wicomico County; and

3. Worcester County; and

(ii) The first Sunday in November in Anne Arundel County.

(6) The Department may allow a person to hunt turkey on each Sunday of the spring turkey hunting season in:

- (i) Carroll County;
- (ii) Kent County; and
- (iii) Talbot County, from 30 minutes before sunrise until 10:30

a.m.

(7) Notwithstanding any other provision of this subtitle, the Department may allow a person with a deer management permit to shoot deer on any Sunday throughout the year in accordance with the terms of the permit.

(8) The Department may allow a person using a State certified raptor to hunt game birds or mammals on each Sunday during the open season for the game birds or mammals.

(9) The Department may allow an unarmed person participating in an organized fox chase to chase foxes on Sunday.

(10) The Department may allow a person shooting pen-reared game birds or tower-released flighted mallard ducks to hunt on Sunday at a regulated shooting ground in accordance with § 10-906 of this title.

(11) The Department may allow a person who is 16 years old or younger to hunt on Sunday if participating in a junior hunt established by the Department in accordance with this subtitle.

(12) Except as provided in paragraphs (8) through (10) of this subsection and subject to paragraph (7) of this subsection, a person may not hunt on Sunday in:

- (i) Baltimore City;
- (ii) Baltimore County;
- (iii) Howard County; or
- (iv) Prince George's County.

(13) A person may not hunt migratory game birds on Sunday.

(14) A person may not hunt on public land within the State park system on Sunday.

(15) (i) The Department may not allow a person to hunt on public land designated for hunting by the Department on Sunday except in:

1. Allegany County;
2. Cecil County;
3. Garrett County;
4. St. Mary's County;
5. Washington County;
6. Dorchester County, for turkey during the spring turkey hunting season;
7. Frederick County, for deer from the first Sunday in October through the second Sunday in January of the following year, inclusive; and
8. Subject to subparagraph (ii) of this paragraph, Somerset County, on public land leased to a hunt club from 30 minutes before sunrise until 10:30 a.m.

(ii) The time restrictions under subparagraph (i)8 of this paragraph do not apply:

1. On each Sunday of the deer firearms season; and
2. On the last three Sundays in October and the first two Sundays in November of the deer bow hunting season.

(b) A person may not hunt any game bird or mammal, except raccoon and opossum, at nighttime.

(c) (1) A person may not shoot at any species of wildlife from an automobile or other vehicle or, except as provided in § 4-203(b) of the Criminal Law Article and Title 5, Subtitle 3 of the Public Safety Article, possess in or on an automobile or other vehicle a loaded handgun or shotgun, or a rifle containing any ammunition in the magazine or chamber.

(2) If this subsection is violated by an occupant of a vehicle which has 2 or more occupants and it cannot be determined which occupant is the violator, the owner of the vehicle, if present, shall be presumed to be responsible for the violation. In the absence of the owner of the vehicle, the operator of the vehicle shall be presumed to be responsible for the violation.

(3) Provisions of this subsection do not apply to a disabled person who obtains a special permit under § 10-307 of this title.

(d) (1) (i) For the purposes of this subsection, “off-road vehicle” means a motorized vehicle designed for or capable of cross-country travel on land, water, snow, ice, marsh, swampland, or other natural terrain.

(ii) “Off-road vehicle” includes four-wheel drive or low-pressure tire vehicles, automobiles, trucks, motorcycles and related two-wheel vehicles, amphibious machines, ground-effect or air-cushion vehicles, snowmobiles, boats, farm-type tractors, earth-moving or construction equipment, lawn mowers, snowblowers, garden or lawn tractors, or golf carts.

(2) A person may not pursue wildlife with an off-road vehicle.

(e) (1) A person or 2 or more persons together may not hunt or attempt to hunt at nighttime any species of wild bird or wild quadruped with a light, including the headlights of any vehicle, and a person may not cast the rays of any artificial light when the rays emanate from a vehicle on any woods, fields, orchards, livestock, wild animals or birds, dwellings, or buildings. The provisions of this paragraph do not apply to the normal use of headlights of a vehicle traveling on any public or private road in a normal manner, to any police, emergency or utility company vehicle using spotlights in the performance of their duties, or to any farmer or landowner on the farmer’s or landowner’s own or leased land using artificial lights to check on the farmer’s or landowner’s land, crops, livestock, or poultry. However, raccoons, fox, or opossum may be hunted on foot at nighttime during open season with the use of a dog or light, or both.

(2) (i) In Baltimore City and Montgomery and Prince George’s counties only, a person may cast the rays of an artificial light from a vehicle on woods, fields, orchards, livestock, wild animals, or wild birds for the sole purpose of observing or photographing wildlife until 9:00 p.m.

(ii) If a person casts the rays of any artificial light under this paragraph, the person has the burden of establishing that the person was doing so for the purposes of observing or photographing wildlife.

(iii) If a person casting artificial light under this paragraph or anyone with the person casting artificial light has a firearm or bow in the person's possession, the person shall be presumed to be in violation of paragraph (1) of this subsection.

(f) A person may not shoot at any species of wildlife on, from, or across any paved public highway or the shoulder of the highway. A person may not shoot from any public highway, whether paved or unpaved, in Kent County and Queen Anne's County or shoot from any public road, whether paved or unpaved, within the boundaries of the Hanover municipal waterworks property in Carroll County.

(g) (1) Except as provided in paragraphs (2) and (3) of this subsection, a person, other than the owner or occupant, while hunting for any wild bird or mammal may not shoot or discharge any firearm or other deadly weapon within 150 yards, known as the "safety zone", of a dwelling house, residence, church, or other building or camp occupied by human beings, or shoot at any wild bird or mammal while it is within this area, without the specific advance permission of the owner or occupant.

(2) A person, while hunting for any wild bird or mammal, may not shoot or discharge any firearm within 300 yards of a public or nonpublic school during school hours or at a time when a school-approved activity is taking place.

(3) (i) For archery hunters in Allegany County, Calvert County, Carroll County, Cecil County, Frederick County, Garrett County, Harford County, Montgomery County, St. Mary's County, or Washington County, the safety zone described in paragraph (1) of this subsection extends for 50 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(ii) For archery hunters in Anne Arundel County, the safety zone described in paragraph (1) of this subsection extends for 100 yards from a dwelling house, residence, church, or any other building or camp occupied by human beings.

(4) During any open hunting season, a person, other than the owner or occupant, may not hunt or chase willfully any wild bird or mammal within the safety zone without the specific advance permission of the owner or occupant.

(5) In Harford County, an archery hunter shall use a tree stand when hunting any wild bird or mammal within 50 to 100 yards of a dwelling house, residence, church, public or nonpublic school, or other building or camp occupied by human beings.

(6) In Montgomery County or Washington County, an archery hunter shall be in an elevated position that allows the hunter to shoot in a downward

trajectory when hunting any wild bird or mammal within 50 to 100 yards of a dwelling house, residence, church, public or nonpublic school, or other building or camp occupied by human beings.

(h) A person may not dig in or drive a motor vehicle on any cleared field while hunting, except with the permission of the owner, tenant, or other person in charge of the land, or park or leave standing any motor vehicle so that the motor vehicle blocks the means of ingress or egress to any person's property, cattle ways, or fields.

(i) A person may not carry a firearm to hunt any wild bird, mammal, amphibian, or reptile while intoxicated or under the influence of alcohol or any narcotic drug.

(j) (1) A person may not hunt or attempt to hunt wild birds or mammals from an aircraft within the State.

(2) Any person who violates provisions of this subsection is guilty of a misdemeanor and upon conviction is subject to a fine of not more than \$1,000 or imprisonment for not more than 6 months or both, with costs imposed in the discretion of the court.

(k) A person may not set any trap, except box traps for rabbits, net, or snare of any description to take any game birds or mammals, except fur-bearing mammals. A trap, net, or snare found in the possession of any person shall be prima facie evidence that the device was used to violate this subsection. A law enforcement officer of the State shall confiscate and destroy the device. A person may not place traps of any description on another person's property without the other person's written permission.

(l) A person may not hunt with any ferret or weasel.

(m) A person may not kill, attempt to kill, or injure by poison wildlife or domestic poultry.

(n) A person may not smoke, burn, injure, hunt, or molest any game birds or mammals in any den or damage or destroy the den of any game bird or mammal.

(o) (1) In Anne Arundel, Baltimore, Howard, Montgomery, and Prince George's counties, a person may not use, set, place, or maintain any steel jaw leghold trap on land. The steel jaw leghold trap may be used for the capture of fur-bearing mammals in water only.

(2) This subsection does not apply to:

(i) Traps set on farmland by the owner of the farmland, by the owner's agent or tenant, owner's lessee, or by any member of the owner's or tenant's immediate family who resides on the farmland; or

(ii) Traps set by an authorized agent of the Maryland Forest, Park and Wildlife Service who exercises the agent's duties for wildlife control under guidelines established by the Department.

(p) (1) (i) "Snare trap" means a device made of wire, synthetic cord, or other material that:

1. Is in the form of a noose with a slipknot, stop, swivel, or eyelet holes; and

2. Is designed or set with the intent of capturing an animal by the neck.

(ii) "Snare trap" includes:

1. A pole snare;

2. A hanging snare; and

3. A neck snare.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, in Anne Arundel, Baltimore, Carroll, Cecil, Harford, Montgomery, and Prince George's counties, a person may not use, sell, possess, set, place, or maintain a snare trap.

(ii) In Anne Arundel County, from July 1, 1990 through June 30, 1992, a person may sell or possess a snare trap.